

CHAPTER 82

AUCTIONEER'S ROLE IN PUBLIC SALE OR AUCTION OF REAL PROPERTY

H.F. 458

AN ACT relating to the role of an auctioneer in conducting a public sale or auction involving real property.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 543B.7, subsection 5, Code 1999, is amended to read as follows:

5. The acts of an auctioneer in conducting a public sale or auction. The auctioneer's role must be limited to establishing the time, place, and method of an auction; advertising the auction including a brief description of the property for auction, ~~and the time and place for the auction, and the name and address of the real estate broker or attorney who is providing brokerage services for the transaction and who is also responsible for closing the sale of the property;~~ and crying the property at the auction. If the auctioneer closes or attempts to close the sale of the property or otherwise engages in acts defined in sections 543B.3 and 543B.6, then the requirements of this chapter do apply to the auctioneer.

Approved April 28, 1999

CHAPTER 83

COUNTY RECORDS AND ASSESSMENTS

H.F. 474

AN ACT relating to the powers and duties of county treasurers by amending Code sections pertaining to special assessments, certain motor vehicle ownership transfers, tax statement addresses, tax redemption, and tax clearance statements for mobile homes, and providing effective date and applicability date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 161A.35, unnumbered paragraph 1, Code 1999, is amended to read as follows:

If the owner of any premises against which a levy exceeding twenty one hundred dollars has been made and certified shall, within thirty days from the date of such levy, agree in writing in a separate agreement, that in consideration of having a right to pay the owner's assessment in installments, the owner will not make any objection as to the legality of the assessment for benefit, or the levy of the taxes against the owner's property, then such owner shall have the following options:

Sec. 2. Section 321.47, unnumbered paragraph 1, Code 1999, is amended to read as follows:

If ownership of a vehicle is transferred by operation of law upon inheritance, devise or bequest, dissolution decree, order in bankruptcy, insolvency, replevin, foreclosure or execution sale, abandoned vehicle sale, or when the engine of a motor vehicle is replaced by another engine, or a vehicle is sold or transferred to satisfy an artisan's lien as provided in chapter 577, a landlord's lien as provided in chapter 570, a storage lien as provided in chapter 579, a judgment in an action for abandonment of a mobile home as provided in

chapter 555B, or repossession is had upon default in performance of the terms of a security agreement, the county treasurer in the transferee's county of residence, upon the surrender of the prior certificate of title or the manufacturer's or importer's certificate, or when that is not possible, upon presentation of satisfactory proof to the county treasurer of ownership and right of possession to the vehicle and upon payment of a fee of ten dollars and the presentation of an application for registration and certificate of title, may issue to the applicant a registration card for the vehicle and a certificate of title to the vehicle. A person entitled to ownership of a vehicle under a decree of dissolution shall surrender a reproduction of a certified copy of the dissolution and upon fulfilling the other requirements of this chapter is entitled to a certificate of title and registration receipt issued in the person's name.

Sec. 3. Section 331.602, subsection 1, unnumbered paragraph 1, Code 1999, is amended to read as follows:

Record all instruments presented to the recorder's office for recordation upon payment of the proper fees and compliance with other recording requirements as provided by law. The instruments presented for filing or recordation shall be legible and reproducible, and shall have typed or legibly printed on them the names of all signatories including the names of acknowledging officers and witnesses beneath the original signatures. Except as otherwise authorized by the recorder, the instruments shall be no larger than eight and one-half inches by fourteen inches and shall provide a space at the top of the instrument at least eight and one-half inches across the page by two inches in length, on which space shall be typed or legibly printed across the page on the bottom one-fourth inch of this space, the name, address, and telephone number of the individual who prepared the instrument and, immediately below the two inches of space, the tax statement information required in paragraph "d". The remaining portion of this space shall be reserved for use by the county recorder.

Sec. 4. Section 331.602, subsection 1, Code 1999, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. An instrument conveying an interest in real property shall contain the statement "Address tax statement: " which shall be filled out with a name and complete mailing address. Each instrument conveying an interest in real property shall contain this statement unless otherwise authorized by the county recorder.

Sec. 5. Section 357.20, Code 1999, is amended to read as follows:

357.20 DUE DATE — BONDS.

Assessments of less than ~~ten~~ one hundred dollars will come due at the first taxpaying date after the approval of the final assessment, and assessments of ~~ten~~ one hundred dollars or more may be paid in ten annual installments with interest on the unpaid balance at a rate not exceeding that permitted by chapter 74A. The board of supervisors shall issue bonds against the completed assessment in an amount equal to the total cost of the project, so that the amount of the assessment will be approximately ten percent greater than the amount of the bonds.

Sec. 6. Section 384.65, subsection 1, Code 1999, is amended to read as follows:

1. The first installment of each assessment, or the total amount if less than ~~fifty~~ one hundred dollars, is due and payable on July 1 next succeeding the date of the levy, unless the assessment is filed with the county treasurer after May 31 in any year. The first installment shall bear interest on the whole unpaid assessment from the date of acceptance of the work by the council to the first day of December following the due date.

Sec. 7. Section 435.24, subsection 5, Code 1999, is amended to read as follows:

5. Before a home may be moved from its present site by any person, a tax clearance statement in the name of the owner must be obtained from the county treasurer of the county where the present site is located certifying that taxes are not owing under this section for previous years and that the taxes have been paid for the current tax period. When a person

moves a home from real property to a dealer's stock or to a mobile home park, as defined in section 435.1, a tax clearance statement shall be applied for, and issued, from the county treasurer of the county where the present site is located. When the home is moved to another county in this state, the county treasurer shall forward a copy of the tax clearance statement to the county treasurer of the county in which the home is being relocated. However, a tax clearance statement is not required for a home in a manufacturer's or dealer's stock which ~~is~~ has not been used as a place for human habitation. A tax clearance form is not required to move an abandoned home. A tax clearance form is not required in eviction cases provided the mobile home park owner or manager advises the county treasurer that the tenant is being evicted. If a dealer acquires a home from a person other than a manufacturer, the person shall provide a tax clearance statement in the name of the owner of record to the dealer. The tax clearance statement shall be provided by the county treasurer in a method prescribed by the department of transportation.

Sec. 8. Section 447.9, subsection 1, Code 1999, is amended to read as follows:

1. After one year and nine months from the date of sale, or after nine months from the date of a sale made under section 446.18 or 446.39, the holder of the certificate of purchase may cause to be served upon the person in possession of the parcel, and also upon the person in whose name the parcel is taxed, a notice signed by the certificate holder or the certificate holder's agent or attorney, stating the date of sale, the description of the parcel sold, the name of the purchaser, and that the right of redemption will expire and a deed for the parcel be made unless redemption is made within ninety days from the completed service of the notice. The notice shall be served by both regular mail and certified mail to the person's last known address and such ~~notice~~ service is deemed completed when the notice by certified mail is deposited in the mail and postmarked for delivery. The ninety-day redemption period begins as provided in section 447.12. When the notice is given by a county as a holder of a certificate of purchase the notice shall be signed by the county treasurer or the county attorney, and when given by a city, it shall be signed by the city officer designated by resolution of the council. When the notice is given by the Iowa finance authority or a city or county agency holding the parcel as part of an Iowa homesteading project, it shall be signed on behalf of the agency or authority by one of its officers, as authorized in rules of the agency or authority.

Sec. 9. Section 447.13, Code 1999, is amended to read as follows:

447.13 COST — FEE — REPORT.

The cost of a record search and the cost of serving the notice, including the cost of mailing certified mail notices and the cost of publication under section 447.10 if publication is required, shall be added to the amount necessary to redeem. ~~The fee for personal service of the notice shall be the same as for service of an original notice, including copy fee and mileage.~~ The county treasurer shall file the proof of service and statement of costs and record these costs against the parcel. The certificate holder or the holder's agent shall report in writing to the treasurer the amount of authorized costs incurred, and the treasurer shall file the statement. Costs not filed with the treasurer before a redemption is complete shall not be collected by the treasurer and may be recovered through a court action against the parcel owner by the certificate holder. If the parcel is held by a city or county, a city or county agency, or the Iowa finance authority, for use in an Iowa homesteading project, whether or not the parcel is the subject of a conditional conveyance granted under the project, the costs incurred for repairs and rehabilitation work required and undertaken in order to make the parcel meet applicable building or housing code standards shall be added to the amount necessary to redeem.

Sec. 10. 1998 Iowa Acts, chapter 1107, is amended by adding the following new section:

SEC. 34. APPLICABILITY DATE. Section 30 of this Act, amending Code section 447.9, applies to redemption of parcels sold for delinquent taxes beginning with the tax sale held in June 1999.

Sec. 11. Sections 3 and 4 of this Act, amending Code section 331.602, apply to instruments recorded on or after January 1, 2000.

Sec. 12. Section 10 of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 28, 1999

CHAPTER 84

MANURE APPLICATOR CERTIFICATION — DEADLINE EXTENSION

H.F. 531

AN ACT providing for the certification of manure applicators by delaying dates required for certification, and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. MANURE APPLICATORS CERTIFICATION — EXTENSION.

Notwithstanding 1998 Iowa Acts, chapter 1209, section 53, subsection 2, all of the following shall apply:

1. A person required to be certified as a commercial manure applicator pursuant to section 455B.203A shall be certified by July 1, 1999.

2. A person required to be certified as a confinement site manure applicator pursuant to section 455B.203A shall be certified by October 1, 1999.

Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 28, 1999

CHAPTER 85

PIPELINES — CONSTRUCTION — LAND RESTORATION

S.F. 160

AN ACT relating to pipelines, interstate natural gas pipelines, and hazardous liquid pipelines, and the restoration of agricultural lands, making penalties applicable, and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 479.29, Code 1999, is amended to read as follows:

479.29 ~~CONSTRUCTION STANDARDS~~ LAND RESTORATION.

1. The board shall, pursuant to chapter 17A, adopt rules establishing standards ~~for the protection of underground improvements during the construction of pipelines, to protect soil~~